

KAREN L. HANKS, ESQ.
Nevada Bar No. 9578
E-mail: karen@hankslg.com
CHANTEL M. SCHIMMING, ESQ.
Nevada Bar No. 8886
E-mail: chantel@hankslg.com
HANKS LAW GROUP
7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139
Telephone: (702) 758-8434
Attorneys for SFR Investments Pool 1, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SFR INVESTMENTS POOL 1, LLC,

Plaintiff,

vs.

NEWREZ LLC, dba SHELLPOINT
MORTGAGE SERVICING; DOES I through
X, inclusive; and ROE BUSINESS ENTITIES
I through X, inclusive,

Defendants.

Case No. 2:22-cv-0195-JCM-BNW

**STIPULATION AND ORDER TO
EXTEND DEADLINES**

NEWREZ LLC dba SHELLPOINT
MORTGAGE SERVICING,

Counterclaimant,

vs.

SFR INVESTMENTS POOL 1, LLC; DOES I
through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

Counterdefendants.

SFR Investments Pool 1, LLC (“SFR”) and NewRez, LLC dba Shellpoint Mortgage Servicing (“Shellpoint”) hereby respectfully submit this Stipulation and Order to Extend the Deadlines set forth in the Stipulated Discovery Plan and Scheduling Order entered on March 28, 2022 [ECF No 24], pursuant to LR 26-3 and LR IA 6-1.

On July 6, 2022 and July 12, 2022, Karen Hanks, Esq., counsel for SFR contacted Paige Magaster, Esq., counsel for Shellpoint, to discuss the necessity for SFR to amend its complaint to add a claim of wrongful foreclosure due to the foreclosure sale that was conducted on the Property on July 1, 2022, approximately 45 days past the deadline of May 17, 2022, set forth in the Stipulated Discovery Plan and Scheduling Order to add or amend parties. Additionally, the parties recognize the need for additional discovery and the rescheduling of the depositions currently scheduled for July 27, 2022, and July 28, 2022. On July 13, 2022, counsel for Shellpoint agreed to stipulate to these extensions. The parties hereby request to extend the dates to add or amend parties to July 22, 2022, the discovery deadlines to October 20, 2022, and the dispositive motions deadline to November 21, 2022¹, and the Pre-trial Order deadline to December 21, 2022.

I. DISCOVERY COMPLETED:

A. Initial and Supplement Disclosures:

1. On March 25, 2022, SFR served its Initial Disclosures.
2. On March 25, 2022, Shellpoint served its Initial Disclosures.
3. On February 12, 2020, SFR served its First Supplemental Disclosures.
4. On April 15, 2020, SFR served its Second Supplement to its Initial Disclosures.

B. Initial and Rebuttal Expert Disclosures:

1. N/A

C. Written Discovery:

1. On July 11, 2022, SFR served its First Set of Requests for Production of Documents to Shellpoint.

D. Depositions:

1. SFR set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for Bank of America via subpoena for July 28, 2022, at 10:00 AM. Shellpoint has requested that this deposition be rescheduled due to scheduling conflicts.

¹ 30 days from the close of discovery is November 19, which is a Saturday, moving the deadline to the following business day, Monday, November 21.

2. SFR set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for Shellpoint for July 27, 2022, at 10:00 AM take place via video conference. Shellpoint has requested that this deposition be rescheduled due to scheduling conflicts.

II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED:

A. Depositions:

1. SFR's deposition of the Fed. R. Civ. P. 30(b)(6) witness for Bank of America.
2. SFR's deposition of the Fed. R. Civ. P. 30(b)(6) witness for Shellpoint.
3. Any additional depositions by the parties as necessary pursuant to the discovery process.

III. REASONS WHY THE DEADLINE TO AMEND THE PLEADINGS AND ADDING PARTIES WAS NOT COMPLETED WITHIN TIME LIMITS SET BY DISCOVERY PLAN:

As required by LR 26-3, because this stipulation is being submitted after the deadline to amend the pleadings and add parties, the parties must demonstrate good cause / excusable neglect. Good cause is present to allow SFR to amend its complaint in that unavoidable circumstances prevented SFR from doing so. Specifically, the foreclosure sale was conducted 45 days past the May 17, 2022, deadline, and the foreclosure is the event that triggered SFR's need to amend its complaint to add a claim for wrongful foreclosure and any additional allegations related to the foreclosure. Excusable neglect is met here.

Accordingly, for the reasons stated above, good cause exists for the parties' requested extension of the deadlines to either stipulate to amend pleading and add parties or file a motion to amend pleading and add parties, to complete discovery and dispositive motion deadlines.

...

...

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

<u>Event</u>	<u>Previous Deadline</u>	<u>New Deadline</u>
Stipulation to Amend/Add Parties or File a Motion to Amend/Add Parties	Tuesday, May 17, 2022	Friday, July 22, 2022
Discovery Cut-Off	Monday, August 15, 2022	Thursday, October 20, 2022
Dispositive Motions	Wednesday, September 14, 2022	Monday, November 21, 2022
Pre-Trial Order	Friday, October 14, 2020	Wednesday, December 21, 2022

The parties submit this Stipulation and Order in good faith and not for purposes of delay or to prejudice any party.

DATED this 19th day of July, 2022.

HANKS LAW GROUP

/s/ Karen L. Hanks
 KAREN L. HANKS, ESQ.
 Nevada Bar No. 9578
 7625 Dean Martin Drive, Suite 110
 Las Vegas, Nevada 89139
Attorneys for SFR Investments Pool 1, LLC

DATED this 19th day of July, 2022.

AKERMAN LLP

/s/ Melanie D. Morgan
 MELANIE D. MORGAN, ESQ.
 Nevada Bar No. 8215
 PAIGE L. MAGASTER, ESQ.
 Nevada Bar No. 15557
 1635 Village Center Circle, Suite 200
 Las Vegas, Nevada 89134
*Attorneys for NewRez LLC d/b/a
 Shellpoint Mortgage Servicing*

ORDER

IT IS SO ORDERED

DATED: 2:48 pm, July 20, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE